

Executive Summary – Enforcement Matter – Case No. 48317

City of Bonham

RN101919850

Docket No. 2014-0280-MWD-E

Order Type:

Findings Agreed Order

Findings Order Justification:

People or environmental receptors have been exposed to pollutants which exceed levels that are protective.

Media:

MWD

Small Business:

No

Location(s) Where Violation(s) Occurred:

City of Bonham WWTP, located approximately 0.5 mile east of Bonham on Seven Oaks Road, Fannin County

Type of Operation:

Wastewater treatment plant

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: September 26, 2014

Comments Received: No

Penalty Information

Total Penalty Assessed: \$67,873

Amount Deferred for Expedited Settlement: \$0

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$0

Total Due to General Revenue: \$0

Payment Plan: N/A

SEP Conditional Offset: \$67,873

Name of SEP: WWTP Improvement (Compliance)

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2011

Executive Summary – Enforcement Matter – Case No. 48317
City of Bonham
RN101919850
Docket No. 2014-0280-MWD-E

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: December 16, 2013 to January 15, 2014

Date(s) of NOE(s): February 10, 2014

Violation Information

1. Failed to ensure that the Facility and all its systems of collection, treatment, and disposal are properly operated and maintained, failed to take all reasonable steps to minimize or prevent any discharge or sludge use or disposal or other permit violation that has a reasonable likelihood of adversely affecting human health or the environment, and failed to comply with permitted effluent limits for ammonia nitrogen and *Escherichia coli* [TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), (4), and (5), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010070001, Effluent Limitations and Monitoring Requirements Nos. 1 and 4, Permit Conditions No. 2.d, and Operational Requirements No. 1].
2. Failed to comply with quality assurance requirements for wastewater analyses [40 CODE OF FEDERAL REGULATIONS § 136.7 and 30 TEX. ADMIN. CODE §§ 319.6, 319.9(d), and 319.11(e), and TPDES Permit No. WQ0010070001, Monitoring and Reporting Requirements No. 2.a.].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent has implemented the following corrective measures:

- a. By December 23, 2013, began implementing a routine maintenance schedule for the ultraviolet ("UV") disinfection system, including the replacement of burned out UV bulbs.
- b. By January 15, 2014, re-installed trash netting ahead of the UV disinfection system to prevent debris accumulation in the UV disinfection system and prevent debris from discharging into the receiving stream.
- c. By January 27, 2014, completed adjustments to the air valve for sequence batch reactor ("SBR") No. 1 to prevent solids from leaving the SBR during the decant phase.
- d. By January 28, 2014, completed repairs to the primary clarifier and the south trickling filter and placed the units back into operation.

Executive Summary – Enforcement Matter – Case No. 48317
City of Bonham
RN101919850
Docket No. 2014-0280-MWD-E

e. By January 30, 2014:

i. Collected and properly disposed of all floating and accumulated solids in the UV disinfection system; and

ii. Collected and properly disposed of existing floating solids in the effluent discharge channel around the discharge point and prior to the confluence with Pig Branch.

f. By February 1, 2014, began complying with required quality assurance requirements for bacterial wastewater analyses.

g. By February 18, 2014, collected and properly disposed of all floating and accumulated solids in the SBRs.

h. By May 21, 2014, hired temporary operations staff to assist with the daily removal of floating solids within the Facility.

i. By May 31, 2014, began collecting samples from the wastewater entering and discharging from the primary clarifier and the south trickling filter to evaluate the treatment efficiency of the units.

j. By June 16, 2014, installed a temporary screening device at the headworks of the Facility to prevent floating solids from entering the Facility.

k. By July 28, 2014:

i. Collected and properly disposed of the existing settled solids in the effluent discharge channel around the discharge point and prior to the confluence with Pig Branch and properly remediated the affected areas; and

ii. Repaired the grit removal pump at the headworks of the Facility and placed the unit back in operation.

l. By August 11, 2014, completed all repairs and maintenance to SBR No. 2 and placed the unit back in operation.

Technical Requirements:

1. The Order will require the Respondent to implement and complete a Supplemental Environmental Project ("SEP"). (See SEP Attachment A)

2. The Order will also require the Respondent to:

a. Immediately, begin taking all necessary measures to prevent the discharge of solids into or adjacent to water in the state. These preventative measures shall be conducted until the engineering evaluation and corrective action schedule and plan required by Ordering Provision c.iii has been completed.

Executive Summary – Enforcement Matter – Case No. 48317
City of Bonham
RN101919850
Docket No. 2014-0280-MWD-E

- b. Within 15 days, submit written certification of compliance that Ordering Provision a. has been implemented.
- c. Within 30 days:
- i. Cease the discharge of solids from the Facility into or adjacent to water in the state;
 - ii. Collect and properly dispose of any new floating and settled solids in the effluent discharge channel around the discharge point and prior to the confluence with Pig Branch and properly remediate the affected areas; and
 - iii. Conduct an engineering evaluation of the treatment capabilities of the Facility's operational and offline treatment units and treatment processes. The engineering evaluation shall be conducted by a registered Texas Professional Engineer or a TCEQ certified Class A wastewater operator. Based on the findings of the engineering evaluation, the registered Texas Professional Engineer or the TCEQ certified Class A wastewater operator shall prepare and initiate a corrective action plan and schedule that will return the Facility to compliance with all permitted effluent limits and permit conditions. The plan and schedule shall, at a minimum, address the following:
 - (1) Designed treatment capacity of the existing treatment units;
 - (2) Current and projected hydraulic loading for the Facility; and
 - (3) Changes, repairs, and/or improvements necessary to ensure the effective and efficient removal of solids at the Facility's headworks; reduce and control current and future hydraulic loading within the Facility; and ensure the proper disinfection of the Facility's wastewater.
- d. Within 45 days, submit written certification of compliance with Ordering Provision c.i. and c.ii.
- e. Within 405 days, submit written certification that the repairs and/or improvements required by the engineering evaluation and corrective action schedule and plan required by Ordering Provision c.iii. have been completed.
- f. Within 495 days, submit written certification of compliance with the permitted effluent limits of TPDES Permit No. WQ0010070001, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports , demonstrating at least three consecutive months of compliance with all permitted effluent limits.

Litigation Information

Date Petition(s) Filed: N/A
Date Answer(s) Filed: N/A
SOAH Referral Date: N/A
Hearing Date(s): N/A
Settlement Date: N/A

Executive Summary – Enforcement Matter – Case No. 48317
City of Bonham
RN101919850
Docket No. 2014-0280-MWD-E

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Christopher Bost, Enforcement Division,
Enforcement Team 1, MC 169, (512) 239-4575; Candy Garrett, Enforcement Division,
MC 219, (512) 239-1456

TCEQ SEP Coordinator: Meaghan Bailey, SEP Coordinator, Litigation Division, MC
175, (512) 239-0205

Respondent: The Honorable Roy V. Floyd, Mayor, City of Bonham, 514 Chestnut,
Bonham, Texas 75418

Respondent's Attorney: N/A

Attachment A
Docket Number: 2014-0280-MWD-E
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	City of Bonham
Penalty Amount:	Sixty-Seven Thousand Eight Hundred Seventy-Three Dollars (\$67,873)
SEP Offset Amount:	Sixty-Seven Thousand Eight Hundred Seventy-Three Dollars (\$67,873)
Type of SEP:	Compliance SEP
Project Name:	<i>WWTP Improvement</i>
Location of SEP:	Fannin County

The Texas Commission on Environmental Quality (“TCEQ”) agrees to offset the administrative Penalty Amount assessed in this Agreed Order for Respondent to perform a Supplemental Environmental Project (“SEP”). The SEP Offset Amount is set forth above and such offset is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

A. Project

Respondent is a Local Government that qualifies under Texas Water Code § 7.067 to apply the SEP Offset Amount set forth above to correct violations at its wastewater treatment facility which are described in this Agreed Order. This Agreed Order cites violations at the Respondent’s wastewater treatment facility. Respondent shall purchase and install Model CMD 6010 – XDS Channel Monster (“Channel Monster®”) with cutters, rotating drum, mounting frame, and a National Electrical Manufacturers Association (“NEMA”) 4x motor controller. The Channel Monster® combines rotating screening drums and a grinder that is able to accommodate high flow rates while grinding difficult solids into manageable particle sizes. The Channel Monster® consists of stainless steel perforated drums that improves capture efficiency, increases flow, and prevents material wrapping. Specifically, the SEP Offset Amount shall be used for the purchase of materials, supplies, equipment, and for contractor services for the following: Channel Monster® equipment (the “Project”). Respondent shall solicit bids from qualified contractors to install the system. Any advertisements, including solicitation for bids publication related to the SEP, must include the enforcement statement as stated in Section 6, Publicity. The Project will be performed in accordance with all federal, state, and local environmental laws and regulations, including obtaining any permits that may be required prior to commencement of the work.

Respondent shall use the SEP Offset Amount only for the direct cost of implementing the Project, including supplies, materials, and equipment, as listed in Subsection C, Minimum Expenditure, Estimated Cost Schedule. No portion of the SEP Offset Amount

shall be spent on administrative costs, including but not limited to operating costs, reporting expenses, handling of expenses, project coordination, liability, or equipment breakdowns.

Respondent's signature affixed to the attached Agreed Order certifies that Respondent has not previously performed this Project, and that the SEP is being performed solely as part of the terms of settlement in this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by improving the quality of wastewater effluent being released into the environment. Inadequately treated effluent can carry bacteria, viruses, protozoa (parasitic organisms), helminthes (intestinal worms), and bioaerosols (inhalable molds and fungi). The diseases they may cause range in severity from mild gastroenteritis (causing stomach cramps and diarrhea) to life-threatening ailments such as cholera, dysentery, infectious hepatitis, and severe gastroenteritis.

C. Minimum Expenditure

Respondent shall spend at least the SEP Offset Amount to complete the Project described in Section 1, above, and comply with all other provisions of this SEP. Respondent understands that it may cost more than the SEP Offset Amount to complete the Project.

Estimated Cost Schedule

Item	Quantity	Cost	Units	Total
Model CMD 6010 – XDS Channel Monster with cutters, rotating drum, mounting frame, and NEMA 4x motor controller	1	\$72,130	Each	\$72,130
Total				\$72,130

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, Respondent shall begin implementation of the SEP. Respondent shall have completed the SEP in its entirety within 405 days after the effective date of this Agreed Order.

3. Records and Reporting

A. Progress Report

Within 30 days after the effective date of this Agreed Order, Respondent shall submit a Notice of Commencement to the TCEQ describing actions performed to date to

implement the Project. Within 90 days of the effective date of this Agreed Order, Respondent shall submit a report detailing the progress made and all actions completed on the Project during the previous 60-day period and setting forth a schedule for achieving completion of the Project within the 405-day time-frame set forth in Section 2, Performance Schedule, above. Thereafter, Respondent shall submit progress reports to the TCEQ in 90-day increments containing detailed information on all actions completed on the Project to date as set forth in the Reporting Schedule table below:

Days from Effective Order Date	Information Required
30	Notice of Commencement describing actions taken to begin project
90	Actions completed during previous 60-day period
180	Actions completed during previous 90-day period
270	Actions completed during previous 90-day period
365	Actions completed during previous 90-day period
405	Notice of SEP completion

B. Final Report

Within 405 days after the effective date of the Agreed Order, or within 60 days after completion of SEP, whichever is earlier, Respondent shall submit a Final Report to the TCEQ, which shall include the following:

1. Itemized list of expenditures and total cost of the Project;
2. Copies of invoices, paid receipts, cleared checks or payment records corresponding to the itemized list in paragraph 3.B.1., above;
3. Proof of publication of invitation for bids (publication must include the enforcement statement, as stated in Section 6, Publicity), if applicable;
4. Dated photographs of the purchased equipment; the equipment being removed; before and after work being performed during the installation process; and photographs of the completed Project;
5. Copies of all engineering plans related to work performed pursuant to the Project;
6. A notarized/certified statement and supporting documentation demonstrating the quantifiable environmental benefits achieved as a result of the Project; and
7. Any additional information demonstrating compliance with this Attachment A.

C. Address

Respondent shall submit all SEP reports and any additional information as requested to the following address:

Texas Commission on Environmental Quality
Litigation Division
Attention: SEP Coordinator, MC 175
P.O. Box 13087
Austin, Texas 78711-3087

4. Additional Information and Access

Respondent shall provide additional information as requested by TCEQ staff, and shall allow access to all records related to the SEP Offset Amount. Respondent shall also allow representatives of the TCEQ access to the site of any work being financed in whole or in part by the SEP Offset Amount. This provision shall survive the termination of this Agreed Order.

5. Failure to Fully Perform

If Respondent does not perform its obligations under this Attachment A, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Sections 2 through 4 above, the Executive Director ("ED") may require immediate payment of all or part of the SEP Offset Amount as set forth in the attached Agreed Order.

In the event the ED determines that Respondent failed to fully implement and complete the Project, Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and as set forth in the attached Agreed Order. After receiving notice of failure to complete the SEP, Respondent shall include the docket number of the attached Agreed Order and a note that the enclosed payment is for reimbursement of a SEP, shall make the check payable to "Texas Commission on Environmental Quality," and shall mail it to:

Texas Commission on Environmental Quality
Litigation Division
Attention: SEP Coordinator, MC 175
P.O. Box 13087
Austin, Texas 78711-3087

6. Publicity

Any public statements concerning this Project made by or on behalf of Respondent must include a clear statement that **the Project was performed as part of the settlement of an enforcement action brought by the TCEQ**. Such statements include advertising, public relations, and press releases.

7. Clean Texas Program

Respondent shall not include this Project in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

8. Other SEPs by TCEQ or Other Agencies

The SEP Offset Amount identified in this Attachment A and in the attached Agreed Order has not been, and shall not be, included as a SEP for Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.



Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

TCEQ

DATES	Assigned	10-Feb-2014	Screening	12-Feb-2014	EPA Due	
	PCW	8-Jul-2014				

RESPONDENT/FACILITY INFORMATION

Respondent	City of Bonham		
Reg. Ent. Ref. No.	RN101919850		
Facility/Site Region	4-Dallas/Fort Worth	Major/Minor Source	Major

CASE INFORMATION

Enf./Case ID No.	48317	No. of Violations	2
Docket No.	2014-0280-MWD-E	Order Type	Findings
Media Program(s)	Water Quality	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Christopher Bost
		EC's Team	Enforcement Team 1
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$51,750
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History	32.0% Enhancement	Subtotals 2, 3, & 7	\$16,560
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Notes: Enhancement for one month of self-reported effluent violations, one NOV with dissimilar violations, and one order without denial.

Culpability	No	0.0% Enhancement	Subtotal 4	\$0
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Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments	Subtotal 5	-\$437
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts \$72,673
Approx. Cost of Compliance \$541,250
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$67,873
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount	\$67,873
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$67,873
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DEFERRAL	0.0% Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes:

No deferral is recommended for Findings Orders.

PAYABLE PENALTY	\$67,873
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Screening Date 12-Feb-2014

Docket No. 2014-0280-MWD-E

PCW

Respondent City of Bonham

Policy Revision 3 (September 2011)

Case ID No. 48317

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101919850

Media [Statute] Water Quality

Enf. Coordinator Christopher Bost

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	1	5%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	1	25%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 32%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance
History
Notes

Enhancement for one month of self-reported effluent violations, one NOV with dissimilar violations, and one order without denial.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 32%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 32%

Screening Date 12-Feb-2014

Docket No. 2014-0280-MWD-E

PCW

Respondent City of Bonham

Policy Revision 3 (September 2011)

Case ID No. 48317

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101919850

Media [Statute] Water Quality

Enf. Coordinator Christopher Bost

Violation Number 1

Rule Cite(s)

Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), (4), and (5), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010070001, Effluent Limitations and Monitoring Requirements Nos. 1 and 4, Permit Conditions No. 2.d, and Operational Requirements No. 1

Violation Description

Failed to ensure that the Facility and all its systems of collection, treatment, and disposal are properly operated and maintained, failed to take all reasonable steps to minimize or prevent any discharge or sludge use or disposal or other permit violation that has a reasonable likelihood of adversely affecting human health or the environment, and failed to comply with permitted effluent limits, as documented during an investigation conducted from December 16, 2013 to January 15, 2014. Specifically, treatment units listed in the permit as part of the treatment process were inoperable and the sequential batch reactors were not being properly maintained, which resulted in solids entering the receiving stream from Outfall No. 001. In addition, grab samples collected from Outfall No. 001 on December 16, 2013 and January 15, 2014 were non-compliant with permitted effluent limits and grab samples collected from the immediate effluent channel and Pig Branch on January 15, 2014 reflected significant water quality degradation, as shown in the attached table.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Major	Moderate	Minor
Actual	x		
Potential			

Percent 100.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment has been exposed to pollutants which exceed protective levels as a result of the violation.

Adjustment \$0

\$25,000

Violation Events

Number of Violation Events 2

58 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	x
	quarterly	
	semiannual	
	annual	
	single event	

Violation Base Penalty \$50,000

Two monthly events are recommended from the investigation date (December 16, 2013) to the screening date (February 12, 2014).

Good Faith Efforts to Comply

0.0% Reduction

\$0

	Before NOV	NOV to EDRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$50,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$72,672

Violation Final Penalty Total \$66,000

This violation Final Assessed Penalty (adjusted for limits) \$66,000

Economic Benefit Worksheet

Respondent City of Bonham
Case ID No. 48317
Reg. Ent. Reference RN101919850
Media Water Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Overtime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$30,000	16-Dec-2013	11-Aug-2014	0.65	\$65	\$1,304	\$1,369
Engineering/construction	\$500,000	16-Dec-2013	22-Dec-2015	2.02	\$3,361	\$67,215	\$70,575
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal	\$1,000	15-Jan-2014	22-Dec-2015	1.93	\$97	n/a	\$97
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$10,000	16-Dec-2013	21-Mar-2015	1.26	\$630	n/a	\$630

Notes for DELAYED costs

The first delayed cost includes the estimated amount to implement a routine maintenance schedule for the ultraviolet ("UV") disinfection system; re-install trash netting ahead of the UV disinfection system; complete adjustments to the air valve for sequence batch reactor ("SBR") No. 1; complete repairs to the primary clarifier and the south trickling filter and place the units back into operation; collect and properly dispose of all floating and accumulated solids in the UV disinfection system; collect and properly dispose of existing floating and settled solids in the effluent discharge channel around the discharge point and prior to the confluence with Pig Branch and properly remediate the affected areas; collect and properly dispose of all floating and accumulated solids in the SBRs; hire temporary operations staff to assist with the daily removal of floating solids within the Facility; begin collecting samples from the wastewater entering and discharging from the primary clarifier and the south trickling filter; install a temporary screening device at the headworks of the Facility; repair the grit removal pump at the headworks of the Facility and place the unit back in operation; and to complete all repairs and maintenance to SBR No. 2 and place the unit back in operation. Date required is the first investigation date. Final date is the date the corrective actions were completed.

The second delayed cost includes the estimated amount to conduct an engineering evaluation of the treatment capabilities of the Facility's operational and offline treatment units and treatment processes and to prepare and initiate a corrective action plan and schedule based on the engineering evaluation that will return the Facility to compliance with all permitted effluent limits and permit conditions. Date required is the first investigation date. Final date is the estimated date of compliance.

The third delayed cost includes the estimated amount to begin taking all necessary measures to prevent the discharge of solids into or adjacent to water in the state; cease the discharge of solids from the Facility into or adjacent to water in the state; and collect and properly dispose of any new floating and settled solids in the effluent discharge channel around the discharge point and prior to the confluence with Pig Branch and properly remediate the affected areas. Date required is the second investigation date. Final date is the estimated date of compliance.

The fourth delayed cost includes the estimated amount to determine the cause of non-compliance and implement corrective actions. Date required is the first investigation date. Final date is the expected date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/reporting/sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$541,000

TOTAL

\$72,672

Screening Date 12-Feb-2014

Docket No. 2014-0280-MWD-E

PCW

Respondent City of Bonham

Policy Revision 3 (September 2011)

Case ID No. 48317

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101919850

Media [Statute] Water Quality

Enf. Coordinator Christopher Bost

Violation Number 2

Rule Cite(s)

40 Code of Federal Regulations §§ 136.7 and 30 Tex. Admin. Code § 319.6, 319.9(d), and 319.11(e), and TPDES Permit No. WQ0010070001, Monitoring and Reporting Requirements No. 2.a

Violation Description

Failed to comply with quality assurance requirements for wastewater analyses, as documented during an investigation conducted from December 16, 2013 to January 15, 2014. Specifically, the Respondent's in-house laboratory was not conducting duplicate analysis for Escherichia coli ("E. coli") analyses.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Major	Harm Moderate	Minor
Actual			
Potential			x

Percent 7.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment will or could be exposed to insignificant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$23,250

\$1,750

Violation Events

Number of Violation Events 1

47 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$1,750

One single event is recommended.

Good Faith Efforts to Comply

25.0% Reduction

\$437

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary	x	
N/A		(mark with x)

Notes

The Respondent returned to compliance by February 1, 2014.

Violation Subtotal \$1,313

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$54

Violation Final Penalty Total \$1,873

This violation Final Assessed Penalty (adjusted for limits) \$1,873

Economic Benefit Worksheet

Respondent City of Bonham
Case ID No. 48317
Reg. Ent. Reference No. RN101919850
Media Water Quality
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$250	16-Dec-2013	1-Feb-2014	0.13	\$2	n/a	\$2
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to begin complying with required quality assurance requirements for bacterial wastewater analyses. Date required is the date of the investigation. Final date is the date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)	\$50	16-Dec-2013	1-Feb-2014	1.05	\$3	\$50	\$53

Notes for AVOIDED costs

Estimated avoided cost to conduct duplicate analysis for E. coli. Date required is the investigation date. Final date is the date of compliance.

Approx. Cost of Compliance

\$300

TOTAL

\$54

GRAB SAMPLE RESULTS TABLE				
City of Bonham				
TPDES Permit No. WQ0010070001				
Docket No. 2014-0280-MWD-E				
Date	Outfall No. 001 NH ₃ -N single grab conc.	Outfall No. 001 <i>E. coli</i> daily max. conc.	Immediate Effluent Channel <i>E. coli</i> grab sample	Pig Branch <i>E. coli</i> grab sample
	Outfall No. 001 Limit = 15 mg/L	Outfall No. 001 Limit = 394 MPN/100 mL	NPL	NPL
December 16, 2013	17.5	24,000	NSC	NSC
January 15, 2014	NSC	52,000	24,000 MPN/100 mL	>2,419.6 MPN/100 mL
January 15, 2014	NSC	>241,960	NASC	NASC
January 15, 2014	NSC	17,000	NASC	NASC

NSC = no sample collected

E. coli = *Escherichia coli*

NPL = no permitted limit

NH₃-N = Ammonia Nitrogen

NASC = no additional samples collected

mg/L = milligrams per liter

conc. = concentration

MPN/100 mL = Most Probable Number per 100 milliliters



Compliance History Report

PUBLISHED Compliance History Report for CN600435762, RN101919850, Rating Year 2013 which includes Compliance History (CH) components from September 1, 2008, through August 31, 2013.

Customer, Respondent, or Owner/Operator:	CN600435762, City of Bonham	Classification:	SATISFACTORY	Rating:	1.55
Regulated Entity:	RN101919850, CITY OF BONHAM WW	Classification:	SATISFACTORY	Rating:	2.18
Complexity Points:	5	Repeat Violator:	NO		
CH Group:	08 - Sewage Treatment Facilities				
Location:	Located approximately 0.5 mile east of Bonham on Seven Oaks Road in Fannin County, Texas				
TCEQ Region:	REGION 04 - DFW METROPLEX				
ID Number(s):					
WASTEWATER PERMIT	WQ0010070001	WASTEWATER EPA ID	TX0021814		
WASTEWATER LICENSING LICENSE	WQ0010070001				
Compliance History Period:	September 01, 2008 to August 31, 2013	Rating Year:	2013	Rating Date:	09/01/2013
Date Compliance History Report Prepared:	May 05, 2014				
Agency Decision Requiring Compliance History:	Enforcement				
Component Period Selected:	May 05, 2009 to May 05, 2014				
TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.					
Name:	Christopher Bost		Phone	(512) 239-4575	

Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO
- 3) If **YES** for #2, who is the current owner/operator? N/A
- 4) If **YES** for #2, who was/were the prior owner(s)/operator(s)? N/A
- 5) If **YES**, when did the change(s) in owner or operator occur? N/A

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

- 1 Effective Date: 07/09/2009 ADMINORDER 2008-1512-MWD-E (Findings Order-Agreed Order Without Denial)
 Classification: Minor
 Citation: 30 TAC Chapter 30, SubChapter J 30.350(d)
 Rqmt Prov: WQ10070-001 PERMIT
 Description: Failure to employ an operator with the required license level to perform regulated activity at the Facility. Specifically, the City employs three "C" licensed operators when the permit requires at least one "B" licensed operator.
 Classification: Minor
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Rqmt Prov: WQ10070-001 PERMIT
 Description: Failure to submit the noncompliance notification when any effluent violation deviates by more than 40% of the permitted limit. Specifically, the City did not submit the noncompliance notification for the fecal coliform exceedance for the month ending on May 31, 2007 which exceeded more than 40% of the permitted limit.
 Classification: Minor
 Citation: 30 TAC Chapter 319, SubChapter A 319.11(b)

Description: Failure to utilize the proper sampling and laboratory testing methods. Specifically, the fecal coliform analysis had no true duplicates of sample dilutions and each lot of media was not being checked with a known positive; for carbonaceous biochemical oxygen demand, the bench sheet did not indicate to which sample bottles the trichloromethylpyridine inhibitor was being added; there was not indication of the amount of seed added to the sample bottles; and the determination of seed correction factor for calculating results was incorrect. It was also noted that the formulas in the laboratory for calculating daily and 7-day averages for total suspended solids and fecal coliform were questionable.

Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov:WQ10070-001 PERMIT

Description: Failure to comply with the permit effluent limits for DO and fecal coliform bacteria.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

D. The approval dates of investigations (CCEDS Inv. Track. No.):

Item 1	May 20, 2009	(768669)
Item 2	July 20, 2009	(805780)
Item 3	August 18, 2009	(805782)
Item 4	September 14, 2009	(805783)
Item 5	December 21, 2009	(805786)
Item 6	January 21, 2010	(805787)
Item 7	February 19, 2010	(805779)
Item 8	March 25, 2010	(831278)
Item 9	April 26, 2010	(831279)
Item 10	May 24, 2010	(845072)
Item 11	June 18, 2010	(846389)
Item 12	July 26, 2010	(860968)
Item 13	October 21, 2010	(874031)
Item 14	January 04, 2011	(896389)
Item 15	January 29, 2011	(925112)
Item 16	February 09, 2011	(925113)
Item 17	March 28, 2011	(925110)
Item 18	March 29, 2011	(925111)
Item 19	April 16, 2011	(952769)
Item 20	May 23, 2011	(938154)
Item 21	June 24, 2011	(945529)
Item 22	August 29, 2011	(959438)
Item 23	September 28, 2011	(965472)
Item 24	December 02, 2011	(984438)
Item 25	January 03, 2012	(990731)
Item 26	February 27, 2012	(998105)
Item 27	March 22, 2012	(1003623)
Item 28	April 26, 2012	(1010188)
Item 29	May 21, 2012	(1016581)
Item 30	June 18, 2012	(1024312)
Item 31	July 20, 2012	(1031696)
Item 32	August 21, 2012	(1038072)
Item 33	September 20, 2012	(1046813)
Item 34	October 19, 2012	(1061357)
Item 35	November 01, 2012	(1079249)
Item 36	November 19, 2012	(1061358)
Item 37	December 21, 2012	(1079248)
Item 38	February 20, 2013	(1079247)
Item 39	March 20, 2013	(1089441)
Item 40	April 17, 2013	(1095829)

Item 41	May 20, 2013	(1106760)
Item 42	June 25, 2013	(1110434)
Item 43	July 23, 2013	(1117315)
Item 44	August 21, 2013	(1125080)
Item 45	September 23, 2013	(1129670)
Item 46	October 17, 2013	(1135406)
Item 47	November 21, 2013	(1140804)
Item 48	December 23, 2013	(1147263)
Item 49	January 30, 2014	(1153331)

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

1	Date:	06/19/2013	(1095270)	CN600435762	
	Self Report?	NO		Classification:	Moderate
	Citation:	30 TAC Chapter 305, SubChapter F 305.125(9) 30 TAC Chapter 305, SubChapter F 305.125(9)(A) WQ0010070-001 PERMIT			
	Description:	Failure to report unauthorized discharges in the required 24-hour time frame. Specifically, an email notification was received on May 23, 2013 for an unauthorized discharge that occurred on May 21, 2013.			
2	Date:	01/31/2014	(1160665)	CN600435762	
	Self Report?	YES		Classification:	Moderate
	Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)			
	Description:	Failure to meet the limit for one or more permit parameter			

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
CITY OF BONHAM
RN101919850**

**§ BEFORE THE
§
§ TEXAS COMMISSION ON
§
§ ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2014-0280-MWD-E

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding the City of Bonham ("Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent presented this agreement to the Commission.

The Respondent understands that it has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon the Respondent.

The Commission makes the following Findings of Fact and Conclusions of Law:

I. FINDINGS OF FACT

1. The Respondent owns a wastewater treatment plant located approximately 0.5 mile east of Bonham on Seven Oaks Road in Fannin County, Texas (the "Facility").

2. The Respondent has discharged municipal waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
3. During an investigation conducted from December 16, 2013 to January 15, 2014, TCEQ staff documented that the Respondent did not ensure that the Facility and all its systems of collection, treatment, and disposal are properly operated and maintained, did not take all reasonable steps to minimize or prevent any discharge or sludge use or disposal or other permit violation that has a reasonable likelihood of adversely affecting human health or the environment, and did not comply with permitted effluent limits. Specifically, treatment units listed in the permit as part of the treatment process were inoperable and the sequence batch reactors ("SBRs") were not being properly maintained, which resulted in solids entering the receiving stream from Outfall No. 001. In addition, grab samples collected from Outfall No. 001 on December 16, 2013 and January 15, 2014 were non-compliant with permitted effluent limits and grab samples collected from the immediate effluent channel and Pig Branch on January 15, 2014 reflected significant water quality degradation, as shown in the table below:

GRAB SAMPLE RESULTS TABLE				
Date	Outfall No. 001 NH ₃ -N single grab conc.	Outfall No. 001 <i>E. coli</i> daily max. conc.	Immediate Effluent Channel <i>E. coli</i> grab sample	Pig Branch <i>E. coli</i> grab sample
	Outfall No. 001 Limit = 15 mg/L	Outfall No. 001 Limit = 394 MPN/100 mL	NPL	NPL
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NSC = no sample collected

E. coli = *Escherichia coli*

NPL = no permitted limit

NH₃-N = Ammonia Nitrogen

NASC = no additional samples collected

mg/L = milligrams per liter

conc. = concentration

MPN/100 mL = Most Probable Number per 100 milliliters

4. During an investigation conducted from December 16, 2013 to January 15, 2014, TCEQ staff documented that the Respondent did not comply with quality assurance requirements for wastewater analyses. Specifically, the Respondent's in-house laboratory was not conducting duplicate analysis for *E. coli* analyses.
5. The Respondent received notice of the violations on February 11, 2014.
6. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:
 - a. By December 23, 2013, began implementing a routine maintenance schedule for the ultraviolet ("UV") disinfection system, including the replacement of burned out UV bulbs.
 - b. By January 15, 2014, re-installed trash netting ahead of the UV disinfection system to prevent debris accumulation in the UV disinfection system and prevent debris from discharging into the receiving stream.
 - c. By January 27, 2014, completed adjustments to the air valve for SBR No. 1 to prevent solids from leaving the SBR during the decant phase.
 - d. By January 28, 2014, completed repairs to the primary clarifier and the south trickling filter and placed the units back into operation.
 - e. By January 30, 2014:
 - i. Collected and properly disposed of all floating and accumulated solids in the UV disinfection system; and
 - ii. Collected and properly disposed of existing floating solids in the effluent discharge channel around the discharge point and prior to the confluence with Pig Branch.
 - f. By February 1, 2014, began complying with required quality assurance requirements for bacterial wastewater analyses, in accordance with 30 TEX. ADMIN. CODE § 319.9.
 - g. By February 18, 2014, collected and properly disposed of all floating and accumulated solids in the SBRs.
 - h. By May 21, 2014, hired temporary operations staff to assist with the daily removal of floating solids within the Facility.
 - i. By May 31, 2014, began collecting samples from the wastewater entering and discharging from the primary clarifier and the south trickling filter to evaluate the treatment efficiency of the units.

- j. By June 16, 2014, installed a temporary screening device at the headworks of the Facility to prevent floating solids from entering the Facility.
- k. By July 28, 2014:
 - i. Collected and properly disposed of the existing settled solids in the effluent discharge channel around the discharge point and prior to the confluence with Pig Branch and properly remediated the affected areas; and
 - ii. Repaired the grit removal pump at the headworks of the Facility and placed the unit back in operation.
- l. By August 11, 2014, completed all repairs and maintenance to SBR No. 2 and placed the unit back in operation.

II. CONCLUSIONS OF LAW

1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE chs. 7 and 26 and the rules of the Commission.
2. As evidenced by Findings of Fact No. 3, the Respondent failed to ensure that the Facility and all its systems of collection, treatment, and disposal are properly operated and maintained, failed to take all reasonable steps to minimize or prevent any discharge or sludge use or disposal or other permit violation that has a reasonable likelihood of adversely affecting human health or the environment, and failed to comply with permitted effluent limits, in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), (4), and (5), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010070001, Effluent Limitations and Monitoring Requirements Nos. 1 and 4, Permit Conditions No. 2.d, and Operational Requirements No. 1.
3. As evidenced by Findings of Fact No. 4, the Respondent failed to comply with quality assurance requirements for wastewater analyses, in violation of 40 CODE OF FEDERAL REGULATIONS § 136.7 and 30 TEX. ADMIN. CODE §§ 319.6, 319.9(d), and 319.11(e), and TPDES Permit No. WQ0010070001, Monitoring and Reporting Requirements No. 2.a.
4. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against the Respondent for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.

5. An administrative penalty in the amount of Sixty-Seven Thousand Eight Hundred Seventy-Three Dollars (\$67,873) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. Sixty-Seven Thousand Eight Hundred Seventy-Three Dollars (\$67,873) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project ("SEP").

III. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. The Respondent is assessed an administrative penalty in the amount of Sixty-Seven Thousand Eight Hundred Seventy-Three Dollars (\$67,873) as set forth in Section II, Paragraph 5 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: City of Bonham, Docket No. 2014-0280-MWD-E" to:

Financial Administration Division, Revenue Operations Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. The Respondent shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section II, Paragraph 5 above, Sixty-Seven Thousand Eight Hundred Seventy-Three Dollars (\$67,873) of the assessed administrative penalty shall be offset with the condition that the Respondent implements the SEP defined in Attachment A, incorporated herein by reference. The Respondent's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
3. The Respondent shall undertake the following technical requirements:
 - a. Immediately upon the effective date of this Agreed Order, begin taking all necessary measures to prevent the discharge of solids into or adjacent to water in the state. These preventative measures shall be conducted until the engineering evaluation and corrective action schedule and plan required by Ordering Provision No. 3.c.iii has been completed.
 - b. Within 15 days after the effective date of this Agreed Order, submit written certification of compliance that Ordering Provision No. 3.a has been implemented, in accordance with Ordering Provision No. 3.g below.

- c. Within 30 days after the effective date of this Agreed Order:
 - i. Cease the discharge of solids from the Facility into or adjacent to water in the state;
 - ii. Collect and properly dispose of any new floating and settled solids in the effluent discharge channel around the discharge point and prior to the confluence with Pig Branch and properly remediate the affected areas; and
 - iii. Conduct an engineering evaluation of the treatment capabilities of the Facility's operational and offline treatment units and treatment processes. The engineering evaluation shall be conducted by a registered Texas Professional Engineer or a TCEQ certified Class A wastewater operator. Based on the findings of the engineering evaluation, the registered Texas Professional Engineer or the TCEQ certified Class A wastewater operator shall prepare and initiate a corrective action plan and schedule that will return the Facility to compliance with all permitted effluent limits and permit conditions. The plan and schedule shall, at a minimum, address the following:
 - (1) Designed treatment capacity of the existing treatment units;
 - (2) Current and projected hydraulic loading for the Facility; and
 - (3) Changes, repairs, and/or improvements necessary to ensure the effective and efficient removal of solids at the Facility's headworks; reduce and control current and future hydraulic loading within the Facility; and ensure the proper disinfection of the Facility's wastewater.
- d. Within 45 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provisions Nos. 3.c.i and 3.c.ii, in accordance with Ordering Provision No. 3.g below.
- e. Within 405 days after the effective date of this Agreed Order, submit written certification that the repairs and/or improvements required by the engineering evaluation and corrective action schedule and plan required by Ordering Provision No. 3.c.iii have been completed, in accordance with Ordering Provision No. 3.g below.

- f. Within 495 days after the effective date of this Agreed Order, submit written certification of compliance with the permitted effluent limits of TPDES Permit No. WQ0010070001, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limits. The written certification shall be written in accordance with Ordering Provision No. 3.g below.
- g. The written certifications of compliance required by Ordering Provisions Nos. 3.b, 3.d, 3.e, and 3.f shall include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance, be notarized by a State of Texas Notary Public, and include the following certification language:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certifications shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with copies to:

Water Section Manager
Dallas/Fort Worth Regional Office
Texas Commission on Environmental Quality
2309 Gravel Drive
Fort Worth, Texas 76118-6951

- 4. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.

5. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
6. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
7. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the Respondent if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
8. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
9. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
10. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.

11. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission


For the Executive Director

2/6/15
Date

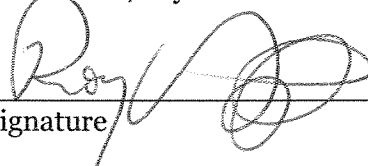
I, the undersigned, have read and understand the attached Agreed Order in the matter of the City of Bonham. I am authorized to agree to the attached Agreed Order on behalf of the City of Bonham, and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I understand that by entering into this Agreed Order, the City of Bonham waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.


Signature

August 26, 2014
Date

Roy V. Floyd
Name (Printed or typed)
Authorized Representative of
City of Bonham

Mayor, City of Bonham, Texas
Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Section III, Paragraph 1 of this Agreed Order

Attachment A
Docket Number: 2014-0280-MWD-E
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	City of Bonham
Penalty Amount:	Sixty-Seven Thousand Eight Hundred Seventy-Three Dollars (\$67,873)
SEP Offset Amount:	Sixty-Seven Thousand Eight Hundred Seventy-Three Dollars (\$67,873)
Type of SEP:	Compliance SEP
Project Name:	<i>WWTP Improvement</i>
Location of SEP:	Fannin County

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset the administrative Penalty Amount assessed in this Agreed Order for Respondent to perform a Supplemental Environmental Project ("SEP"). The SEP Offset Amount is set forth above and such offset is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

A. Project

Respondent is a Local Government that qualifies under Texas Water Code § 7.067 to apply the SEP Offset Amount set forth above to correct violations at its wastewater treatment facility which are described in this Agreed Order. This Agreed Order cites violations at the Respondent's wastewater treatment facility. Respondent shall purchase and install Model CMD 6010 – XDS Channel Monster ("Channel Monster®") with cutters, rotating drum, mounting frame, and a National Electrical Manufacturers Association ("NEMA") 4x motor controller. The Channel Monster® combines rotating screening drums and a grinder that is able to accommodate high flow rates while grinding difficult solids into manageable particle sizes. The Channel Monster® consists of stainless steel perforated drums that improves capture efficiency, increases flow, and prevents material wrapping. Specifically, the SEP Offset Amount shall be used for the purchase of materials, supplies, equipment, and for contractor services for the following: Channel Monster® equipment (the "Project"). Respondent shall solicit bids from qualified contractors to install the system. Any advertisements, including solicitation for bids publication related to the SEP, must include the enforcement statement as stated in Section 6, Publicity. The Project will be performed in accordance with all federal, state, and local environmental laws and regulations, including obtaining any permits that may be required prior to commencement of the work.

Respondent shall use the SEP Offset Amount only for the direct cost of implementing the Project, including supplies, materials, and equipment, as listed in Subsection C, Minimum Expenditure, Estimated Cost Schedule. No portion of the SEP Offset Amount

shall be spent on administrative costs, including but not limited to operating costs, reporting expenses, handling of expenses, project coordination, liability, or equipment breakdowns.

Respondent's signature affixed to the attached Agreed Order certifies that Respondent has not previously performed this Project, and that the SEP is being performed solely as part of the terms of settlement in this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by improving the quality of wastewater effluent being released into the environment. Inadequately treated effluent can carry bacteria, viruses, protozoa (parasitic organisms), helminthes (intestinal worms), and bioaerosols (inhalable molds and fungi). The diseases they may cause range in severity from mild gastroenteritis (causing stomach cramps and diarrhea) to life-threatening ailments such as cholera, dysentery, infectious hepatitis, and severe gastroenteritis.

C. Minimum Expenditure

Respondent shall spend at least the SEP Offset Amount to complete the Project described in Section 1, above, and comply with all other provisions of this SEP. Respondent understands that it may cost more than the SEP Offset Amount to complete the Project.

Estimated Cost Schedule

Item	Quantity	Cost	Units	Total
Model CMD 6010 – XDS Channel Monster with cutters, rotating drum, mounting frame, and NEMA 4x motor controller	1	\$72,130	Each	\$72,130
Total				\$72,130

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, Respondent shall begin implementation of the SEP. Respondent shall have completed the SEP in its entirety within 405 days after the effective date of this Agreed Order.

3. Records and Reporting

A. Progress Report

Within 30 days after the effective date of this Agreed Order, Respondent shall submit a Notice of Commencement to the TCEQ describing actions performed to date to

implement the Project. Within 90 days of the effective date of this Agreed Order, Respondent shall submit a report detailing the progress made and all actions completed on the Project during the previous 60-day period and setting forth a schedule for achieving completion of the Project within the 405-day time-frame set forth in Section 2, Performance Schedule, above. Thereafter, Respondent shall submit progress reports to the TCEQ in 90-day increments containing detailed information on all actions completed on the Project to date as set forth in the Reporting Schedule table below:

Days from Effective Order Date	Information Required
30	Notice of Commencement describing actions taken to begin project
90	Actions completed during previous 60-day period
180	Actions completed during previous 90-day period
270	Actions completed during previous 90-day period
365	Actions completed during previous 90-day period
405	Notice of SEP completion

B. Final Report

Within 405 days after the effective date of the Agreed Order, or within 60 days after completion of SEP, whichever is earlier, Respondent shall submit a Final Report to the TCEQ, which shall include the following:

1. Itemized list of expenditures and total cost of the Project;
2. Copies of invoices, paid receipts, cleared checks or payment records corresponding to the itemized list in paragraph 3.B.1., above;
3. Proof of publication of invitation for bids (publication must include the enforcement statement, as stated in Section 6, Publicity), if applicable;
4. Dated photographs of the purchased equipment; the equipment being removed; before and after work being performed during the installation process; and photographs of the completed Project;
5. Copies of all engineering plans related to work performed pursuant to the Project;
6. A notarized/certified statement and supporting documentation demonstrating the quantifiable environmental benefits achieved as a result of the Project; and
7. Any additional information demonstrating compliance with this Attachment A.

C. Address

Respondent shall submit all SEP reports and any additional information as requested to the following address:

Texas Commission on Environmental Quality
Litigation Division
Attention: SEP Coordinator, MC 175
P.O. Box 13087
Austin, Texas 78711-3087

4. Additional Information and Access

Respondent shall provide additional information as requested by TCEQ staff, and shall allow access to all records related to the SEP Offset Amount. Respondent shall also allow representatives of the TCEQ access to the site of any work being financed in whole or in part by the SEP Offset Amount. This provision shall survive the termination of this Agreed Order.

5. Failure to Fully Perform

If Respondent does not perform its obligations under this Attachment A, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Sections 2 through 4 above, the Executive Director ("ED") may require immediate payment of all or part of the SEP Offset Amount as set forth in the attached Agreed Order.

In the event the ED determines that Respondent failed to fully implement and complete the Project, Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and as set forth in the attached Agreed Order. After receiving notice of failure to complete the SEP, Respondent shall include the docket number of the attached Agreed Order and a note that the enclosed payment is for reimbursement of a SEP, shall make the check payable to "Texas Commission on Environmental Quality," and shall mail it to:

Texas Commission on Environmental Quality
Litigation Division
Attention: SEP Coordinator, MC 175
P.O. Box 13087
Austin, Texas 78711-3087

6. Publicity

Any public statements concerning this Project made by or on behalf of Respondent must include a clear statement that **the Project was performed as part of the settlement of an enforcement action brought by the TCEQ**. Such statements include advertising, public relations, and press releases.

7. Clean Texas Program

Respondent shall not include this Project in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

8. Other SEPs by TCEQ or Other Agencies

The SEP Offset Amount identified in this Attachment A and in the attached Agreed Order has not been, and shall not be, included as a SEP for Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.